

REMARKS

Status of Application

Claims 1-24 were pending in the application. By this Amendment, claims 1 and 15 are canceled and claims 25 and 26 are added. Thus, the status of the claims is as follows:

Claims 14, 15, and 24 are objected to because of informalities.

Claims 12, 13, 22, and 23 (and their respective dependent claims) are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 4, 5, 7, 9, 11, 14, 17, 18, 20, 21, and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication No. US 2004/0027684 to Nishioka et al. (“Nishioka”).

Claims 2, 4, 6, 7, 9, 11, 16-18, 20, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,249,798 to Moskovich (“Moskovich”).

Claims 2-4, 6-11, 14, 16-21, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,785,055 to Nishikawa et al. (“Nishikawa”) in view of Japanese Publication No. 08-248318 (“JP318”).

Claims 12, 13, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12, 13, 22, and 23 have been rewritten in independent form, including all of the limitations of the base claim and any intervening claims, as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to claims 12, 13, 22, and 23 as being dependent upon a rejected base claim, but

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, be reconsidered and withdrawn.

New claims 25 and 26 depend from claims 12 and 22, respectively. As claims 12 and 22 are considered allowable, claims 25 and 26 are likewise considered allowable.

Information Disclosure Statement

The Information Disclosure Statement (“IDS”) filed September 30, 2003 and noted as being received on October 3, 2003 was filed as a courtesy to indicate the existence of two co-pending applications related to the present application. For this reason, the corresponding IDS did not include a form 1449. The IDS filed October 22, 2003 and noted as being received on October 27 similarly noted the existence of a third co-pending application related to the present application. Again, no form 1449 was filed with this IDS. The Office Action further notes an IDS received November 3, 2004. A review of this file indicates that any IDS received on November 3, 2004 would have been part of a larger filing that attempted to correct an issue regarding two application numbers being associated with the present application. In particular, it appears that application number 10/609,343 was inadvertently assigned to this application as well 10/609,232, the correct application number. While Applicants do not believe a form 1449 is required, one is attached to this Amendment reflecting the three co-pending applications related to the present application in an effort to move the case to allowance.

Claim Amendments

Claims 2-4, 7-9, 11, 14, 16-21, and 24 have been amended to reflect new dependencies based upon rewritten claims 12 and 22. These changes do not introduce any new matter.

35 U.S.C. § 112 Rejection

The rejection of claims 12, 13, 22, and 23 (and their respective dependent claims) under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, is respectfully traversed based on the following.

Claims 12, 13, 22, and 23 were rejected as being vague and indefinite with respect to whether additional lens units might be located between the first and second lens units. To this end, Applicants have rewritten claims 12, 13, 22, and 23 to include the limitation of “the second lens unit being disposed next to the first lens unit.”

Claims 13 and 23 were rejected for failing to positively recite a third lens unit, based upon a condition that requires a third lens unit. To this end, Applicants have rewritten claims 13 and 23 to positively recite a third lens unit.

Accordingly, it is respectfully requested that the rejection of claims 12, 13, 22, and 23 (and their respective dependent claims) under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, be reconsidered and withdrawn.

35 U.S.C. § 102(e) Rejection

The rejection of claims 4, 5, 7, 9, 11, 14, 17, 18, 20, 21, and 24 under 35 U.S.C. § 102(e) as being anticipated by Nishioka, is respectfully traversed based on the following.

Claims 4, 5, 7, 9, 11, 14, 17, 18, 20, 21, and 24 depend from claims 12 and 22. Allowable claims 12 and 22 have been rewritten, as suggested by the Examiner, in independent form. As claims 12 and 22 are considered allowable, claims 4, 5, 7, 9, 11, 14, 17, 18, 20, 21, and 24 are likewise considered allowable at least due to their dependence upon claims 12 and 22.

Accordingly, it is respectfully requested that the rejection of claims 4, 5, 7, 9, 11, 14, 17, 18, 20, 21, and 24 under 35 U.S.C. § 102(b) as being anticipated by Nishioka, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejections

The rejection of claims 2, 4, 6, 7, 9, 11, 16-18, 20, and 21 under 35 U.S.C. § 103(a), as being unpatentable over Moskovich, is respectfully traversed based on the following.

Claims 2, 4, 6, 7, 9, 11, 16-18, 20, and 21 depend, either directly or indirectly, from claims 12 and 22. Allowable claims 12 and 22 have been rewritten, as suggested by the Examiner, in independent form. As claims 12 and 22 are considered allowable, claims 2, 4, 6, 7, 9, 11, 16-18, 20, and 21 are likewise considered allowable at least due to their dependence upon claims 12 and 22.

Accordingly, it is respectfully requested that the rejection of claims 2, 4, 6, 7, 9, 11, 16-18, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Moskovich, be reconsidered and withdrawn.

The rejection of claims 2-4, 6-11, 14, 16-21, and 24 under 35 U.S.C. § 103(a), as being unpatentable over Nishikawa in view of JP318, is respectfully traversed based on the following.

Claims 2-4, 6-11, 14, 16-21, and 24 depend, either directly or indirectly, from claims 12 and 22. Allowable claims 12 and 22 have been rewritten, as suggested by the Examiner, in independent form. As claims 12 and 22 are considered allowable, claims 2-4, 6-11, 14, 16-21, and 24 are likewise considered allowable at least due to their dependence upon claims 12 and 22.

Application No. 10/609,232
Amendment dated May 9, 2008
Reply to Office Action of February 13, 2008

Accordingly, it is respectfully requested that the rejection of claims 2-4, 6-11, 14, 16-21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Nishikawa in view of JP318, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by two from two to four, but does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, please charge the amount of \$210.00 to Sidley Austin LLP Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: Mark A. Dodd/ Reg. No. 45,729
Mark A. Dodd
Registration No. 45,729
Attorney for Applicants

Application No. 10/609,232
Amendment dated May 9, 2008
Reply to Office Action of February 13, 2008

MAD/llb
SIDLEY AUSTIN LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3481
Main: (214) 981-3300
Facsimile: (214) 981-3400
May 9, 2008